

ELIZABETH DAY (SBN 177125)
eday@feinday.com
IAN N. FEINBERG (SBN 88234)
ifeinberg@feinday.com
DAVID ALBERTI (SBM 220625)
dalberti@feinday.com
SAL LIM (SBM 211836)
slim@feinday.com
YAKOV ZOLOTOREV (SBM 224260)
yzolotorev@feinday.com
MARC BELLOLI (SBN 244290)
mbelloli@feinday.com
**FEINBERG DAY ALBERTI &
THOMPSON LLP**
1600 El Camino Real, Suite 200
Menlo Park, CA 94025
Tel: 650.618.4360
Fax: 650.618.4368

Attorneys for Plaintiff
PRAGMATUS TELECOM, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PRAGMATUS TELECOM, LLC,

Plaintiff,

v.

TREND MICRO INCORPORATED,

Defendant.

YAR R. CHAIKOVSKY (SBN: 175421)
ychaikovsky@mwe.com
D. STUART BARTOW (SBN: 233107)
sbartow@mwe.com
McDERMOTT WILL & EMERY LLP
275 Middlefield Road, Suite 100
Menlo Park, CA 94025-4004
Telephone: +1 650 815 7400
Facsimile: +1 650 815 7401

Attorneys for Defendant
TREND MICRO INCORPORATED

CASE NO. 12-cv-06195(EMC)

ELECTRONIC CASE FILING

**JOINT STIPULATED REQUEST TO
VACATE OR POSTPONE CASE
MANAGEMENT CONFERENCE
SCHEDULED FOR NOVEMBER 21, 2013**

Pragmatus Telecom, LLC (“Pragmatus”) and Trend Micro Incorporated (“Trend Micro”) (collectively, the “Parties”), hereby move the Court to vacate—or, in the alternative, postpone—the case management conference currently set for November 21, 2013, and would respectfully show the Court as follows:

1. On May 23, 2013, the Court approved the Parties’ joint stipulation to stay this action, and accordingly ordered that the case be stayed pending the resolution of *Liveperson, Inc.*

1 v. *Pragmatus Telecom, LLC* (No. 1:12-cv-00147-RGA) (the “LivePerson Declaratory Judgment
2 Action”), currently pending in the District of Delaware. *See* Dkt. No. 30. In that action,
3 LivePerson, Inc. seeks judgment of (1) non-infringement of the patent-in-suit (the same patent as
4 is at issue in this litigation), and (2) invalidity of the patent-in-suit. It is the Parties’ expectation
5 that the outcome of the LivePerson Declaratory Judgment Action will resolve most, if not all,
6 issues presented in this litigation.

7 2. The LivePerson Declaratory Judgment Action is still pending in the District of
8 Delaware, and is proceeding apace before Judge Richard G. Andrews. A claim construction
9 hearing has been scheduled for December 18, 2013. The Parties believe it is likely that a claim
10 construction ruling will issue sometime in early- to mid-2014, with potential further proceedings
11 to follow.

12 3. Given the continued pendency of the LivePerson Declaratory Judgment Action
13 and the substantial work underway in Delaware, the Parties respectfully request that the Court
14 vacate the upcoming case management conference scheduled for November 21, 2013, or, in the
15 alternative, postpone the conference until a date at the Court’s convenience at least a few months
16 into 2014.

1 Dated: November 4, 2013

FEINBERG DAY ALBERTI & THOMPSON LLP

2
3 By: /s/ Marc Belloli

Elizabeth Day
Ian Feinberg
David Alberti
Sal Lim
Yakov Zolotorev
Marc Belloli

4
5
6
7 Attorneys for Plaintiff
PRAGMATUS TELECOM, LLC

8
9 McDERMOTT WILL & EMERY LLP

10
11 By: /s/ D. Stuart Bartow

Yar R. Chaikovsky
D. Stuart Bartow

12
13 Attorneys for Defendant
TREND MICRO INCORPORATED

14
15 **ATTESTATION**

16 I hereby attest that all other signatories listed concur in the content and have authorized
17 this filing.

18 /s/ D. Stuart Bartow

19 D. Stuart Bartow

20
21 **ORDER**

22 SO ORDERED, this 6th day of November, 2013. The Case Management Conference
23 set for November 21, 2013 is ~~VACATED~~ rescheduled to April 3, 2014, at 10:30 a.m.

24
25 The Honorable Edward M. Chen

